

Can anyone read your mind? New legislation seems to think so.



The logo indicates the Digital Economy Bill, given its Third Reading by the House of Commons in the “Wash Up” on 7<sup>th</sup> April.

The Wash Up is the name given to the parliamentary scurry of horse-trading to complete the progress of bills into law between the announcement of an election and the actual cessation of parliamentary business. The Bill is now complete except for Royal Assent to pass it into law.

It covers a range of matters to do with the digital economy. You might agree with some measures, but they have all been passed in spite of many potential problems being pointed out in the meagre two hours allowed for the debate.

It is notable that many proposals for improvement were dropped under pressure of time. There is a vague undertaking to look at them further in the new parliament, but that will be after it has become law.

Much of the time was spent on the question of copyright.

Certainly there is a problem with the stealing (for that is what it is) of intellectual property (musical composition being the most common). Under our present copyright system the composer or author owns the copyright and they are going to be deprived of royalties if their work is pirated.

The existing law allows for redress, but is ineffective if the copyright owner has to sue each individual for damages for infringement. It is essentially unenforceable at that level.

The bill is intended primarily to catch anyone exploiting the infringement for financial gain. There is a problem. The offender could be offering his wares from a web site on the other side of the globe. (Of course, any individual makes a financial gain if he doesn't pay the price.)

In the meantime, if you are downloading illegally, the copyright owner can have your IP address and can ask your Internet Service Provider (ISP) to stop you.

After a couple of warning letters the ISP will be required to terminate your service. The awkward bit is that you could be entirely innocent. A small business could lose its service because it is being used by an unauthorised person for downloads. It could happen to you if you do not protect your wireless hub from being hi-jacked.

And here's the killer; a service can be terminated if it is the means for copyright infringement in the past, present or **likely to be in the future!**

All internet traffic will need to be read to establish present offences, but who reads your mind about your future intentions?

To say that the bill needs more thought is too easy. As one MP pointed out, a ban on illegal printing presses didn't work once the technology was available over 500 years ago.

The whole model of copyright and the reward for creation may need re-thinking. If the rewards diminish, so will the production and everyone will be the poorer. Pay a reasonable price to the copyright holder. Paying nothing is rarely reasonable.

*The next meeting will be on Tuesday 27<sup>th</sup> April. It will comprise forums on topics of immediate interest. Visitors and new members always welcome. For more information ring Howard on 029 20708439.*

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